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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 3:22-cr-00328-MO

v.

**GOVERNMENT’S SENTENCING
MEMORANDUM**

NOAH MADRANO,

Defendant.

I. Introduction

Defendant Noah Madrano abducted a Canadian child from outside her middle school and subjected her to a week of horrific sexual abuse, some of which he recorded. He did so after attempting to execute a similar plan involving a child in Washington state, and after amassing a collection of thousands of images of child pornography. Defendant is a dangerous predator who committed crimes against children both over the internet and in person, continuously, over the course of more than a year. He was not ashamed of his actions. Instead, he bragged about them publicly on his social media accounts and radio show. Defendant’s cruelty towards his victims and their families, his complete lack of remorse, and the danger he would pose to the community if he were ever released are extraordinary. The government joins in the probation officer’s recommendation that the Court impose a sentence of life imprisonment.

II. Factual Background

The government agrees with the facts contained in the PSR but intends to present additional details of Defendant's conduct for the Court's consideration in fashioning an appropriate sentence. To protect the privacy of the minor victims, the government will reserve its description and discussion of Defendant's conduct for a confidential supplement to this memorandum, which will be filed separately under seal.

III. Sentence Recommendation

The government joins the probation officer in recommending a sentence of life imprisonment. This sentence represents the high end of the applicable guidelines range. The government recognizes that a high-end recommendation is somewhat uncommon, particularly after a guilty plea, and especially when it results in a sentence of life. But the aggravating factors in this case—many of which are not captured by the guidelines—and the danger Defendant poses to children make life imprisonment the only sentence sufficient to punish the Defendant for his conduct and protect the community from future crimes by him.

A. Defendant's Guidelines Range of 360 Months to Life is Appropriate and Reasonable

The PSR correctly calculates Defendant's offense level as 42 and his criminal history category as I, resulting in an advisory guidelines range of 360 months to life imprisonment. This calculation includes enhancements for the following facts:

- Minor Victim 1 was older than 12 but younger than 16 years old at the time of the offense;
- Defendant sexually abused Minor Victim 1;
- Defendant knowingly distributed sexually explicit images of Minor Victim 1;
- Defendant lied to Minor Victim 1 about his age, and communicated with her through a computer, in order to produce child pornography of her and to meet with her in person to sexually abuse her;
- Defendant sexually abused and exploited Minor Victim 1 more than once.

While courts may vary from the guidelines range if they believe that application of the guidelines results in excessive sentences, “district courts are not obligated to vary from the child pornography Guidelines on policy grounds if they do not have, in fact, a policy disagreement with them.” *United States v. Henderson*, 649 F.3d 955, 964 (9th Cir. 2011).¹ Each of the enhancements applied to Defendant have strong and obvious policy justifications. If the Court believes that a defendant who exploits a 13-year-old child is more culpable than one who abuses a 17-year-old child, then it should embrace the enhancement applied for the victim’s age under § 2G2.1(b)(1)(B). If the Court believes that a defendant who sexually abuses his victim and records it is more culpable than a defendant whose conduct is limited to soliciting nude photos from the victim, then it should embrace the enhancement applied for commission of a sexual act under § 2G2.1(b)(2)(A). If the Court believes that a defendant who distributes sexually explicit images of his victim over the internet where they will circulate forever is more culpable than a defendant who keeps those images to himself, then it should embrace the enhancement applied for distribution § 2G2.1(b)(3). If the Court believes that a 40-year-old man who lies about his age so that his 13-year-old victim believes she is talking to a fellow teenager, and who uses social media to groom and exploit multiple victims at once, is more culpable than a defendant who does not misrepresent his identity or hunt victims on the internet, then it should embrace the enhancement applied for use of a computer and misrepresentation of identity under § 2G2.1(b)(6). And finally, if the Court believes that a defendant who sexually exploits and abuses a child repeatedly is more culpable than a defendant who does so only once, then it should embrace the enhancement applied for pattern of activity under § 4B1.5(b)(1).

¹ *Henderson* specifically addressed Guidelines § 2G2.2, which governs sentencing for child pornography possession or trafficking convictions. *Henderson*, 649 F.3d at 963. Defendant’s guidelines are calculated under § 2G2.1, PSR ¶ 44–48, which governs the more serious offense of production of child pornography and which contains different sentencing enhancements than § 2G2.2.

B. Life Sentences for Similarly Situated Defendants Are Neither Unusual nor Unreasonable

Courts across the country have upheld the reasonableness of life or life-equivalent sentences for defendants who produce child pornography in particularly egregious ways, including those who plead guilty. These decisions recognize the particularly horrific nature of sex crimes against children, the need to protect the community from child predators, and the need to deter future abusers and producers of child pornography. *See, e.g., United States v. Frederick*, No. 22-50256, 2024 WL 3886979, at *1 (9th Cir. Aug. 21, 2024) (upholding life sentence for defendant who pled guilty to one count of production of child pornography and one count of enticement of a minor, and whose offenses did not involve hands-on contact); *United States v. Brinson*, No. 22-50093, 2023 WL 8044845, at *1 (9th Cir. Nov. 21, 2023) (upholding life sentence for 24-year-old defendant with no criminal history who pled guilty to production of child pornography and engaging in a child exploitation enterprise); *United States v. Howells*, 676 F. App'x 55, 59–60 (2d Cir. 2017) (upholding 580-year sentence for defendant who pled guilty to sexually exploiting six victims, despite defendant's own history of sexual abuse); *United States v. Jines*, 597 F. App'x 886, 889 (7th Cir. 2015) (upholding 680-month sentence for defendant who pled guilty to producing child pornography of his daughter); *United States v. Cobler*, 748 F.3d 570, 582 (4th Cir. 2014) (upholding 120-year sentence for 28-year-old defendant who pled guilty to producing hands-on child pornography of a 4-year-old victim); *United States v. Hamilton*, 548 F. App'x 728, 730 (2d Cir. 2013) (upholding 1,800-month sentence for defendant who pled guilty to five counts of production of child pornography); *United States v. Demeyer*, 665 F.3d 1374, 1375 (8th Cir. 2012) (upholding 120-year sentence for defendant who pled guilty to four counts of sexual exploitation of his developmentally disabled teenage daughter); *United States v. Johnson*, 451 F.3d 1239, 1244 (11th Cir. 2006) (upholding

140-year sentence for defendant who pled guilty to production and distribution of child pornography involving two victims).

These cases are not outliers. While a life sentence is rightfully reserved for the most serious offenses, courts regularly impose life or the equivalent where, as here, the defendant's conduct is so egregious that no other sentence can meet the goals of federal sentencing. Below is a non-exhaustive list containing examples of sentences 1,800 months (150 years) or greater imposed between 2007 and 2018.

District	Defendant's Name	Court Number	Sentence Date (Yr-Mo-Day)	Prison Time (Months)
ALN	Hulsey, James Shawn	08-CR-00313-IPJ-RRA-2	091007	5760
ALN	McKim, Christine Staggs	08-CR-00313-IPJ-RRA-2	091007	5400
ALN	Falgout, Pierre Ernest, III	6:07-CR-00157-RDP-RRA	080620	11520
ALN	Vasiloff, Gary Steven	4:07-CR-00337-VEH-PWG	080204	3900
ALN	Hayes, Gordon Elton	4:07-CR-00062-IPJ-TMP	070824	3720
ALN	Ayers, Patricia Allana	14-CR-00117-LSC-SGC-5	141219	19080
ALN	Ayers, Matthew David	14-CR-00117-LSC-SGC-5	141219	9000
FLM	Tatro, Joshua Adam	15-CR-00176-ORL	161212	4200
FLM	Graziotti, Matthew C.	14-CR-00175-ORL	150128	2520
FLN	Olmeda, Keith	09-CR-00030-01-SPM	100209	1800
INN	Eckstrom, Daniel T.	13-CR-00084-02	160330	2880
INS	Bostic, David Ryan	1:11-CR-027-JMS-KPF	120113	3060
INS	Metzger, David	09-CR-00188-LJM/KPF1	100525	2820
INS	McGrath, Andrew	1:09-CR-0169-L/F	100517	4440
KS	Grigsby, Philip	12-CR-10174-JTM	130605	3120
MIW	Cox, Jeffrey	14-CR-00198	161004	2880
MOE	Beasley, Leland	10-CR-00119 CEJ	110712	3480
NH	Wright, John Allen	11-CR-00146-SM	130225	1920
NYN	Hamilton, Wayne	11-CR-00555	121113	1800

NYN	Howells, II, Stephen M.	14-CR-00340	151228	6960
OHS	Napier, James O.	13-CR-00016-1	140520	2880
TXN	Rinehart, Timothy	13-CR-00091-B-DL	150416	2160
TXW	Simmons, Gemase Lee	12-CR-00108-S	130812	5760
FLM	Dillon, Chad Theodore	16-CR-00112-J	180126	5760
FLM	Lynch, David Paul	17-CR-00037-T	180301	3960
NM	Elliott, Samuel	14-CR-03822-RB	180723	2040
NM	Qualls, Jim	14-CR-03519-RB	180618	2400
NYN	Seaway, Clif J	16-CR-00340, 16-CR-00339	180509	4320
PAW	Stull, Eric James	16-CR-00125	180326	4057
IAS	Stephen, Gregory Scott	18-CR-00031	190927	2160
OR	Kowalczyk, Andrew	08-CR-00095	190911	3240
RI	Gaccione, Jay S.	17-CR-000004	190628	2160
RI	Goodman, Thomas	18-CR-00141	190322	3120
TXW	Rawls, Patrick Donovan	18-CR-00040-A	181022	2340
FLM	Diaz-Colon, Edgar Johan	19-CR-00260-ORL	200904	1800
INS	Esposito, Jeffrey	18-CR-00109-JMS-MJD1	200109	2400
PAE	Zweitzig, Jerry	19-CR-00311	200922	2400
WAW	Rindt, John	17-CR-05553	200221	2160

One of the defendants listed above, Andrew Kowalczyk, was sentenced by this Court. In doing so, the Court recognized that some crimes against children are so devastating, and some offenders so dangerous, that life in prison is the only appropriate punishment. It should do so again. No child, and no child's family, should ever have to experience what the minor victim and her family went through in this case.

IV. Conclusion

The government respectfully recommends that the Court sentence the Defendant to life imprisonment to provide just punishment, protect the community, and deter future crimes against children.

Dated: April 2, 2025

Respectfully submitted,

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/s/ Mira Chernick
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